

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

---

Scott Lawrence Simmons,

File No. 21-cv-947 (ECT/KMM)

Plaintiff,

v.

**ORDER ACCEPTING REPORT  
AND RECOMMENDATION**

Clerk of Appellate Courts and  
Supreme Court,

Defendants.

---

Magistrate Judge Katherine Menendez issued a Report and Recommendation (“R&R”) on April 14, 2021. ECF No. 3. No party has objected to that R&R, and it is therefore reviewed for clear error. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Finding no clear error, and based upon all of the files, records, and proceedings in the above-captioned matter, **IT IS ORDERED THAT:**

1. The Report and Recommendation [ECF No. 3] is **ACCEPTED**;
2. This action is **DISMISSED WITHOUT PREJUDICE** pursuant to 28 U.S.C. § 1915(e)(2)(B); and
3. Plaintiff’s Application to Proceed in District Court Without Prepaying Fees [ECF No. 2] is **DENIED AS MOOT**.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: June 2, 2021

s/ Eric C. Tostrud

Eric C. Tostrud

United States District Court